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Alternative sanctions for drug users: fruitless efforts or miracle solution?

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Abstract In most Western European countries, including Belgium, judicial alternative sanctions are increasingly being used for drug users. Because no study into the effectiveness of Belgian judicial alternatives for drug users has yet been carried out, this became the objective of the current research. The design of this study comprises a pre and post measurement of the criminal activity, drug use and situation in different spheres of life of 565 drug-dependent offenders. Two conclusions can be drawn. First, after an alternative sanction or measure is imposed, there is a reduction in the criminal activity of the offender. Second, this crime reduction goes hand in hand with a progress in several relevant life spheres.

Introduction

In the Belgian social, academic and policy context, the application of alternative sanctions and measures for drug users is increasingly stimulated. Belgian knowledge concerning the effectiveness of alternative measures and sanctions, however, is still largely based upon American effect studies. In the United States, effect studies gain in importance, whereas Europe lags behind. Effect studies are rarely conducted in Europe and even for meta-analyses European authors are thus forced to rely mainly on American research results. Every effect study that is conducted in Europe thus

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adds to the knowledge that is so badly needed in this field. The current research¹ is aimed at measuring effects of alternative measures and sanctions² for drug users. The objective of the research is to examine whether alternative measures and sanctions generate effects, and if so, what is the nature of these effects.

Method

Measurement

The effects examined in the current study concern recidivism and progress in several life spheres. The methods and techniques used in this study are built along the lines set out in previous studies.³ Effect evaluations of *judicial interventions* generally focus on recidivism. Arrest and reconviction rates are the most commonly used indicators for the prevalence of recidivism, [1–3, 6] although European studies tend to restrict their operationalisation of recidivism to reconviction rates [7]. In this study, however, we did attempt to find a European counterpart for arrest rates. The operationalisation “arrest rate” cannot simply be borrowed from American literature, but instead has to be adapted to the Western-European judicial registration. We opted for criminal charge as a counterpart for arrest, considering the fact that this is the basis of registered crime in Belgium.⁴ Effect evaluations of *treatment interventions* more often integrate progress in several life spheres in their design. However, measuring progress in life spheres is a difficult task. The main difficulty is to find criteria that measure progress, without them being too subjective or morally coloured by the researcher. As a consequence, we can see that a lot of differences exist in the way this progress is measured in several studies.⁵ We based our choice of the life spheres and the criteria for improvement mainly on the EuropASI-instrument, which

¹ This research was funded by the Belgian Federal Science Policy and is a part of the Research programme in support of the federal drugs policy document.

² In Belgium several types of alternative measures and sanctions exist. At every level of the criminal justice system the possibility exists to divert offenders (in this case drug users) away from the traditional judicial pathway. At the level of the public prosecutor, transaction and mediation in criminal cases are the main alternative measures. Praetorian probation is the third possibility at this level, but this modality of alternative measure does not have a legal framework. At sentencing level two forms of probation allow for the abandonment of traditional sanctions, i.e. a probation order without conviction and a probation order with delay of the execution of the punishment. In the execution of sentences as well, there is the possibility to grant alternatives to imprisonment. Prisoners can be provisionally or conditionally released, and thus shorten their imprisonment by accepting to comply with certain conditions. Also, prison sentences can be served under electronic surveillance.

³ Recidivism studies generally investigate whether or not persons have been arrested or convicted after a certain judicial intervention. On the basis thereof, arrest and reconviction rates are calculated. (see: [1–3]). These ‘rates’ are considered to be indicators of the prevalence of recidivism. Next to this, also the number of times a person was arrested/convicted is used as an indicator of recidivism. In some studies, the type of offence leading to the arrest or conviction is taken into account. (see: [4, 5]).

⁴ Kyvsgaard opted for a similar operationalisation. Cf. [8].

⁵ Ruefli and Rogers, for instance [9], opted to avoid subjectivity by letting drug users themselves define progress. In EuropASI, objective criteria are sought to determine whether someone has improved in the life spheres studied. The seriousness of problems is expressed in scores. Dutch studies often confine themselves to postulating the ‘desired’ situations and indicating whether or not the clients achieved it (e.g. [10]).

is used as an assessment instrument for clients of drug treatment services [11]. We thus studied drug use, financial situation, housing, social and family relationships and leisure time. For each of these life spheres we defined an ultimate goal, which is reached when there is no more need for help or treatment. This information was drawn from judicial files, which include social reports. We assessed the offenders' situation both before and after the judicial alternative, using the grid shown in Table 1.⁶

Design and data sources

The design of this study comprises a pre and post measurement of the criminal activity of 565 research subjects, and of their situation in relevant life domains. Regarding recidivism, the pre measurement concerns the calculation of rates of criminal charges and convictions (number per year) *before* the judicial alternative was granted. For the post measurement the same rates are calculated, but in this case for the period *after* the judicial alternative was granted. The calculation of these rates is based on criminal record data, gathered from criminal courts. Our results are thus only based on registered crime, while not necessarily all offences committed by the research subjects are known to the police. This so-called dark number is a much described limitation of officially registered crime, which has to be considered in the interpretation of the results. The measurement of progress in relevant life spheres comprises a pre and post measurement as well. The situation in these life spheres was studied in judicial files (of the prosecutor's office and of judicial assistants). Based on these files the researcher assessed the situation in the life spheres before and after the judicial alternative was granted, on the basis of the grid shown in Table 1.

For every type of alternative sanction or measure, an overview of judicial files was requested from the prosecutor's office or at the justice houses⁷ in three judicial districts. The reference years of the judicial files were 1999 and 2001. The reference years are thus quite recent while still allowing for a considerable follow-up period. From the lists that were provided by the justice authorities, probability samples were drawn for each modality.⁸

In order to determine whether a causal relationship exists between two variables (e.g. an alternative sanction and recidivism), the criteria for methodological quality are high [12, 13]. Mostly, the Maryland Scientific Methods (MSM) Scale, a five level scale of research designs, is used as reference point for the identification of effect studies of good methodological quality. Only based on a (quasi-)experimental design, level three to five of the MSM Scale, can the conclusion be drawn that a reduction in recidivism is *caused by* the alternative sanction. In a quasi-experimental design recidivism would be measured before and after the intervention (i.e. the

⁶ Because progress in life spheres is by definition a dynamic variable, we used a lengthy follow-up period and large assessment categories in order to facilitate the allocation of the research subjects to the categories.

⁷ Justice houses are those offices responsible for the follow-up of offenders who have been conditionally sentenced or conditionally released.

⁸ If necessary, e.g. because of attrition, the sampling process was repeated in order to reach the postulated number of files.

Table 1 Overview of the life spheres included in the current study

Life sphere	Situation
Drug use	No drug use (anymore)
	Limited or controlled use
	Problematic use, but treatment or assistance
	Problematic use without help or contact with treatment services
Financial situation	Regular income from professional activities
	Temporary employment
	Unemployment but allowance/ financial support
	Illegal income
Housing	Fixed (independent) residence
	Temporary residence (shelter, staying with friends...)
	Homelessness
Relationships	Predominant (supportive) contacts with non-drug users
	Mixed contacts, both with non-users and users
	Predominant contacts with drug users
Leisure time	Meaningful/structured leisure activities (hobby's, family...)
	No structured/meaningful leisure activities

judicial alternative) in experimental and comparable control conditions.⁹ Our study does however not reach this methodological standard. In fact, our study corresponds to the second level of the MSM Scale, which implies the measurement of recidivism before and after the alternative measure/sanction, but without a comparable control condition. The Belgian sentencing practice does not allow for the use of the classical experimental design: magistrates generally opt for alternative sanctions when adjudicating a drug offender. Only if the offences are too serious, or if the offender persists in crime, is a traditional sanction imposed [14, 15]. Given this sentencing practice, any control group would substantially differ from the experimental group—those who are granted a judicial alternative are not comparable to those who are adjudicated the traditional way.

The control condition that is present in a quasi-experimental design serves as a means to rule out other factors, such as “trends”¹⁰, “regression to the mean”¹¹, spontaneous recovery¹² etcetera that may influence the results. The fact that we did not make use of a control group thus implies that we cannot abstract from influencing factors [16] and that we have to bear in mind that the results we find cannot fully be attributed to the intervention studied. We considered this design a

⁹ Even better than the quasi-experimental design are the level 4 design in which the control for other variables that influence recidivism is added to the quasi-experimental design and the level 5 design that is characterised by a random assignation of research units to experimental and control conditions.

¹⁰ Previously existing trends persist.

¹¹ In a pre-post design the tendency is found that the follow-up values are again situated closer to the mean, because random error in the pre-measurement possibly caused a proportion of the extreme values.

¹² Improvement occurs spontaneously and does not stem from the judicial intervention.

good alternative, however, because it is longitudinal and allows outcomes to be studied in existing services and under day-to-day circumstances.

Results

The results of this study concern the effectiveness of alternative measures for drug users. The objective was to find out to what extent these persons reoffend and whether progress occurs in the various spheres of life examined.

The sample

We performed analyses on a sample of 565 individuals who were sentenced to a modality of alternative sanctioning. The research included nine modalities of alternative measures, situated at the various levels in the criminal justice system (prosecution, sentencing, execution of sentences). The average age of the research subjects was 28 years, and the large majority were men (88,3%). Various types of narcotics were used by the research subjects, with cannabis and heroin heading the list. Most research subjects consumed more than one product. The majority of the research subjects were granted the judicial alternative because of possessing or selling narcotics (i.e drug offences: 58,2%). Just over one third had committed property offences or violent crime (37,1%).

Different types of judicial alternatives were integrated in this study (cf. Table 2) This was deemed necessary, because in Belgium, every level of the criminal justice system has its own sanctions/measures that are designed to divert (drug) offenders away from crime and drugs. All these judicial alternatives, applied at different levels of the criminal justice system, are used in such a way that they allow for an individualized approach to dealing with (drug) offenders.

We therefore cannot pass over the fact that the composition of the research sample is rather heterogeneous. Differences exist in the profiles of the research subjects according to the judicial alternative that was granted to them. Alternatives at *the*

Table 2 Number of research subjects per modality

Type of judicial alternative	Frequency	Percent
Transaction	60	10,6
Mediation	44	7,8
Praetorian probation	7	1,2
Conditional discharge	57	10,1
Probation order without conviction	93	16,5
Probation order with delay of the execution of the sentence	116	20,5
Provisional release	62	11,0
Conditional release	91	16,1
Electronic monitoring	35	6,2
Total	565	100,0

prosecutor's level were granted to the youngest research subjects, who had committed less serious offences (e.g. possession of marihuana). Those who were granted *probation orders* often had not only possessed drugs, but had also sold it. The detected use was no longer limited to (mainly) marihuana, but also encompassed, inter alia, extasy, cocaine and heroin. The research subjects who were granted *an alternative for a prison sentence* are somewhat older drug users in comparison with the above measures. Mostly, they had committed property and violent offences, and used heroin or cocaine.

In order to take into account these differences in profiles, we present the general results and the results per level of the criminal justice system.

Prevalence of recidivism

Research subjects were followed up during a 5 year period, in order to determine whether they had reoffended or not. The prevalence of recidivism (= having a new criminal charge) amounts to 71,7%. However, not every criminal charge was followed by a conviction. Only 36,6% of the research subjects were reconvicted. This percentage of new convictions is therefore far lower than the prevalence of new criminal charges. The prevalence of recidivism differs according to the level of the criminal justice system at which the judicial alternative was granted (see Table 3).

More conditionally/provisionally released offenders had a new criminal charge (81.9%) than those who had received an alternative sanction at sentencing level (70.0%); and those who had received their sanction at prosecution level had the fewest new criminal charges (57.7%). In addition, the prevalence of reconviction increased in line with the level of settlement of the judicial alternative (see Table 4). These differences in recidivism rates have to be considered in relation to the differences in the profiles of the research subjects according to the judicial alternative that was granted to them (see above: The sample).

Rates of criminal charges and convictions

Evolutions in criminal activity can be measured by calculating rates of criminal charges and convictions. We compare the rate (number per year) of criminal charges

Table 3 Differences in prevalence of new criminal charges according to level of settlement

New criminal charge	Level of settlement						Total sample	
	Investigation and prosecution ^b		Sentencing		Execution of sentences			
Yes	64	57,7%	142	70,0%	145	81,9%	351	71,7%
No	47	42,3%	61	30%	32	18,1%	140	28,3%
Total	111	100,0%	203	100,0%	177	100,0%	491	100,0%

^a Chi Square=20,103; df=2; $p<0,001$

^b Conditional discharge was left out of this calculation.

Table 4 Differences in prevalence of reconvictions according to level of settlement

New criminal charge	Level of settlement						Total sample	
	Investigation and prosecution ^b		Sentencing		Execution of sentences			
Yes	25	22,5%	73	36,3%	80	45,7%	178	36,6%
No	86	77,5%	128	63,7%	95	54,3%	309	63,4%
Total	111	100%	201	100%	175	100%	487	100%

^a Chi Square=15,760; df=2; $p<0,001$

^b Conditional discharge was left out of this calculation.

and convictions prior to the judicial alternative with the rate afterwards.¹³ Table 5 shows that the average rate of criminal charges decreases to about half of its original value. Whereas the research subjects on average were subjected to more than two criminal charges per year before the alternative was granted, this was reduced to only one afterwards. The research subjects thus have less criminal charges after the alternative was granted. This is true for the alternatives at every level of the criminal justice system: the average rate of criminal charges is lower after the alternative was granted than prior to it. This reduction is significant ($p<0,001$). At prosecution level, the rate was reduced from 1.87 to 0.82 ($t=6,742$; $df=118$; $p<0,001$); at sentencing level from 2.53 to 1.17 ($t=8,481$; $df=179$; $p<0,001$) and at the level of execution of sentences from 2.68 to 1.48. ($t=6,608$; $df=164$; $p<0,001$).

The same rates can be calculated with regard to the number of convictions (see Table 6). A first rate reflects the number of convictions on a yearly basis *before* the alternative was granted, a second rate reflects this number *after* the alternative was granted. If we compare both rates, we see that there is a significant reduction in the average rate ($p<0,001$). The reduction in the average rate is found for alternatives at every level of the criminal justice system. At prosecution level the average conviction rate fell from 0.31 to 0.15 ($t=3,887$; $df=155$; $p<0,001$); at sentencing level from 0.85 to 0.25 ($t=8,575$; $df=181$; $p<0,001$); and at the level of execution of sentences from 1.05 to 0.33 ($t=7,874$; $df=162$; $p<0,001$).

Nature of the criminal charges

In the current study we gave attention to three specific categories of offences, namely drug offences (infringements of the drug laws), property offences and violent offences. Before the alternative was granted, 504 research subjects had been charged with offences against the drug laws, 336 with property offences and 306 with violent offences. After the alternative was granted, this picture changes: 238 had a charge

¹³ The rate is calculated by dividing the number of charges/convictions through the time span of the period concerned. The value that is found is multiplied by 365. The rate thus reflects the average number of charges/convictions per year. The reference period for the first rate starts with the first charge and ends when the judicial alternative is granted. The reference period for the second charge starts with the judicial alternative and lasts until the end of the follow-up period of five years.

Table 5 Annual rates of criminal charges before and after the judicial alternative

	N	Mean	Std. deviation	Std. error mean
Rate of charges Before	464	2,41	1,923	,089
Rate of charges After	464	1,19	1,765	,082

^a $t=12,468$; $df=463$; $p<.001$

for drug offences (Chi Square=9,324; $df=1$; $p<0.01$), 202 for property offences (Chi Square=74,489; $df=1$; $p<0.001$) and 219 for violent offences (Chi Square=53,992; $df=1$; $p<0.001$). This means that, although all research subjects were drug users, only 45% of these persons got charged with drug offences again in the period after receiving their alternative sanction (see Fig. 1)

Progress in life spheres

In the judicial files (in particular the reports of the judicial assistants) information was obtained concerning the situation in different life spheres. The situation in the life spheres before and after the alternative was assessed. The research subjects experience a progress in the life spheres studied after the judicial alternative is granted. The percentage of research subjects who use in a non-problematic way, who have a regular job, fixed residence, predominantly supportive contacts with non-users and a meaningful occupation of their leisure time is higher at the end of the alternative than at the beginning (see Fig. 2). The percentage regarding drug use rose from 32,9% to 67,1%, regarding employment from 20,5% to 30,5%, regarding housing from 56,5% to 69,4%, regarding social relations from 11% to 64.9% and regarding leisure time from 35% to 75,3%. Different steps are thus taken that benefit their reintegration. Improvements in the field of drug use, social and familial relationships and leisure-time activities are the most pronounced.

The progress in life spheres parallels the reduction in criminal charges. Those who do not use problematically at the end of the follow-up period are also those that have been charged less. The same holds true for those having a regular job and fixed residence: they reoffended less than those who had not. (see Table 7)

Discussion

As shown in the results, the prevalence of recidivism after a judicial alternative was granted to drug users was considerable. However, studies examining prevalence of

Table 6 Annual rates of convictions before and after the judicial alternative

	N	Mean	Std. deviation	Std. error mean
Rate of convictions Before	501	,75	,982	,044
Rate of convictions After	501	,24	,563	,025

^a $t=11,840$; $df=500$; $p<.001$

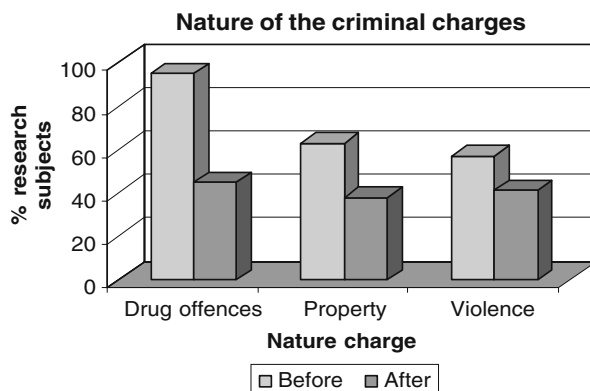


Fig. 1 Criminal charges before and after the judicial alternative

recidivism often find high percentages. For example, Zanis studied persons who were referred to treatment services via “early parole”. He found that 22% of the research subjects were reconvicted within 24 months, compared to 34% of the control group (parolees who had not been referred to treatment) [17]. In a study examining treatment in prison a relatively high prevalence of recidivism was found as well. After treatment in prison, it appears that 58% of the graduated was rearrested and 79% relapsed into drug use in a follow-up period of 5 years [18]. In a Swedish study, Bishop examined the effects of treatment after imprisonment: the results showed that 64% of those who completed treatment committed a new offence within 3 years following completion of the treatment. A UK Home Office research found that 86% of the persons who were granted a Drug Treatment and Testing Order, were reconvicted within a follow-up period of 2 years. The high prevalence of recidivism thus is not out of line with results of other studies. The fact that the percentages are so high, makes people question the effectiveness of alternative measures for drug users. Although the percentage of research subjects again charged with an offence is quite high, it should be taken into account that this just reflects a lower limit: it shows how many people succeeded in achieving the ideal situation, i.e. no new charge. In the current study, almost 30% of the research subjects did not have a new

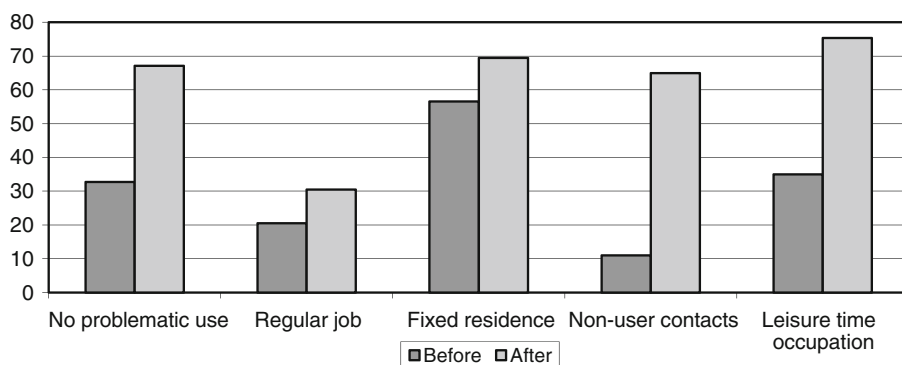


Fig. 2 Progress in life spheres

Table 7 Progress in life spheres and recidivism

Life spheres: situation at the end of the alternative	New charge	No new charge	Total
<i>Total</i>	71,7%	28,3%	100%
Drug use^b (Chi Square=24,628; df=1; $p=.000$)			
-No (problematic) use	64,2% ($n=170$)	35,8% ($n=95$)	100% ($n=265$)
-Problematic use	87,9% ($n=116$)	12,1% ($n=16$)	100% ($n=132$)
Financial situation^b (Chi Square=12,232; df=1; $p=.000$)			
-Fixed employment	59,8% ($n=58$)	40,2% ($n=39$)	100% ($n=97$)
-No fixed employment	78,6% ($n=180$)	21,4% ($n=49$)	100% ($n=229$)
Housing^a (Chi Square=6,898; df=1; $p=.009$)			
-Fixed residence	69,6% ($n=174$)	30,4% ($n=76$)	100% ($n=250$)
-No fixed residence	83% ($n=88$)	17% ($n=18$)	100% ($n=106$)
Relationships (n.s.) (Chi Square=2,354; df=1; $p=.125$)			
-Predominant contacts with non-users	68,4% ($n=128$)	31,6% ($n=59$)	100% ($n=187$)
-Contacts with users	76,9% ($n=80$)	23,1% ($n=24$)	100% ($n=104$)
Leisure time (n.s.) (Chi Square=0,150; df=1; $p=.698$)			
-Occupied (meaningful/structured)	73,8% ($n=118$)	26,3% ($n=42$)	100% ($n=160$)
-Not occupied	76,5% ($n=39$)	23,5% ($n=12$)	100% ($n=51$)

^a $p<0,01$; ^b $p<0,001$

charge filed against them after their judicial alternative. More than 60% did not incur a new conviction. This dichotomous measurement of prevalence, however, passes over the slighter improvements in criminal activity that may occur.

Studying rates of criminal charges and convictions may put the high prevalence of recidivism into perspective. In the current study, rates of criminal charges and conviction rates were lower after the alternative was imposed than prior to it. This means that—even if the research subjects reoffend—the number of charges per year decreases, as does the number of convictions per year. Considerable progress could also be observed in the current study as regards the nature of the offences. Only 45% of the sample (or 61% of the recidivists) had a new charge for infringements of drug legislation—although all research subjects are drug users. Even if account is only taken of the recidivists, it appears that a lower percentage of the research subjects commit infringements of drug legislation, property offences and violent crime after sanctioning than prior to it. The reduction in these offences is important, as it concerns those crime categories that have been described in literature as offences that are possibly drug-related (cf. consensual, property offences and expressive criminality).

In summary, sufficient arguments are found to support the link between alternative measures for drug users and recidivism reduction: (i) More than 60% of the research subjects do not incur a new conviction; (ii) If the average rate of charges and of convictions of the research subjects prior to the alternative measures is compared with both these rates after the alternative measures, we see that there is a significant decrease. (iii) There is a reduction of infringements of the drug legislation, property offences and violent crime. Even if there is no certainty that

these successes can be ascribed to alternative sanctions (because of the absence of a control group), it is still a fact that the alternative sanctions allowed for these developments in a way that is far less interventionist and harmful than a prison sentence. The recidivism reducing effects of alternative measures were also shown in other studies. In a research conducted by MacKenzie, for example, a self report was held among probationers. They were asked to compare their activities prior to the probation order with those after their arrest and the start of the probation period. The interviews were held shortly after the start of the probation period, and again after a period of 6 months. In the interviews it became clear that the average level of criminal activity and drug use was lower after arrest and during the probation period than previous to the arrest [19]. We could even argue that the reduction in criminal activity is shown more convincingly in our study, because of the fact that we made use of registered crime data and not of self report measurement, which possibly is influenced by a social desirability bias [20].

Moreover, it is shown that alternative measures have better results than traditional ones. In American studies regarding effectiveness of drug courts¹⁴ the results are generally similar: clients of the drug court programs have lower recidivism rates than those whose case was adjudicated the traditional way [21]. Spohn observed that 42,1% of the drug court participants reoffended, compared to 60,8% of the research subjects with a traditional sanction. Comparable results (drug court participants have lower levels of recidivism) are found in eight out of nine studies regarding effectiveness of drug courts [22]. Anyway, it is clear that drug using delinquents who receive some kind of treatment perform better than those who do not participate in treatment [18, 22].

Finally, there is also an improvement in virtually every life sphere of the research subjects. The percentage of individuals using drugs in a non-problematic way and having a steady job and permanent housing increases. More people appear to succeed in surrounding themselves with people who support them (in a drug-free life) and in finding activities for their leisure time. In the context of alternative sanctions, various steps are thus taken that benefit the re-integration of the person involved. Kyvsgaard examined progress in life spheres based on a subjective evaluation by the persons concerned. In this Danish study, research subjects were asked whether they had received the help they needed during the follow-up period. 54% felt helped concerning drug problems; 47% concerning their work situation; 46% concerning leisure time activities; 44% concerning social and family relationships; and 31% concerning housing. These research findings support the conclusion that alternative measures contribute to the social capital [16].

In addition, we observed a strong association between the effects regarding progress in life spheres and recidivism. Research subjects who do well as regards drugs, work and housing at the end of their alternative and reach the 'desired'

¹⁴ In the United States drug (treatment) courts were established in order to deal with the problems that had arisen following the increasing number of drug cases. Individuals who have committed drug related crime can be brought before the drug court. Certain offenders are however excluded, e.g. violent offenders. The drug court program implies the start of interventions aimed at the reduction of drug use and crime and based on regular contacts with the drug court, drug testing and treatment. See: [3].

situation¹⁵ reoffend less often. The finding of the current study that the reduction in recidivism parallels the improvement in the life spheres has an important consequence. If the recidivism reduction would not be associated with the progress in life spheres, this could mean that the reduction in recidivism merely stems from the short-term deterring effect of the alternative measure: the offender commits less crime, because he is deterred by the higher costs that exist during the period of supervision. Because we find that the reduction in recidivism goes together with the establishment of social bonds, longer lasting changes can be expected. A body of research has already shown that societal bonds have an impact on criminal behaviour [19]. The societal bonds of offenders often are weak. When offenders establish these bonds, however, chances increase that their lives will change drastically. If societal bonds (work, housing, family and social relationships) are intensified through the follow-up of a judicial alternative, informal social controls that are necessary for desistance of crime are stimulated. Especially the circumstances of having a partner (or broader: good family relationships) and being in employment induce a reduction in criminal behaviour [23]. The establishment of these bonds can thus serve as a turning point that initiates positive changes [24].

Conclusion

The present study comprises a measurement of effect based on 565 judicial files. The objective was to measure effects of judicial alternatives on recidivism and life spheres. In general, the results can be considered moderately positive. The question asked in the title of this article cannot be answered in a straightforward manner. Judicial alternatives for drug users cannot be considered fruitless efforts nor miracle solutions. As is often the case, we have to adopt a middle course: it is clear that miracles cannot be expected from the application of alternative measures to drug users, but there is no need for pessimism either.

It was found that a large majority of the research subjects faced a new criminal charge after the alternative sanction had been imposed. Not every charge was followed by a conviction, because less-serious charges are dismissed by the public prosecutor. Just over one third of the research subjects were reconvicted. The prevalence of recidivism differed according to the level of alternative sanction: the prevalence of criminal charges and reconviction increased in line with the level of settlement of the judicial alternative. Even though the prevalence of recidivism is high, literature shows that this is not out of line with other studies. Besides, it is beyond doubt that there is a reduction in recidivism after a judicial alternative is granted. On average, the research subjects incur less criminal charges and convictions after the judicial alternative is granted than prior to it. Also there is a decrease in the consensual drug related crime, property crime and violent crime committed by research subjects (expressive *and* acquisitive crime). This goes together with a remarkable progress in life spheres: research subjects use less

¹⁵ The desired situation is always the situation in which there is no need for treatment or guidance: having a steady job, a permanent place to live, sufficient supportive social and familial relationships and meaningful leisure-time activities.

drugs—and use it in a less problematic way—have more supportive family and social relationships and their leisure time is occupied. Regarding their work situation there is a progress as well, but less pronounced. The association found between recidivism reduction and life spheres is important. Progress in the abovementioned life spheres supports the positive evolution regarding recidivism reduction. The perspectives are thus promising, as chances are higher that changes will last longer. From this perspective, a judicial alternative is possibly a life event that sparks important changes [19].

References

1. Inciardi, J., Martin, S., & Butzin, C. (2004). Five-year outcomes of therapeutic community treatment of drug-involved offenders after release from prison. *Crime and Delinquency*, 50(1), 88–106.
2. Piquero, N. (2003). A recidivism analysis of Maryland's community probation program. *Journal of Criminal Justice*, 31, 295–307.
3. Stanford, J., & Arrigo, B. (2005). Lifting the Cover on Drug Courts: evaluation finding and policy concerns. *International Journal of Offender Therapy and Comparative Criminology*, 3, 239–259.
4. Wilson, D., & Fowles, T. (2004). Drug treatment and testing orders: reconviction rates. *The Howard Journal*, 43, 93–98.
5. Goldkamp, J., White, M., & Robinson, J. (2001). Do drug courts work? Getting inside the drug court black box. *Journal of Drug Issues*, 27–72.
6. Peersen, M. (2004). Predicting re-offending: a 5-year prospective study on Icelandic prison inmates. *Psychology, Crime and Law*, 197–204.
7. Wartna B, Nijssen L. National studies on recidivism: an inventory of large-scale recidivism research in 33 European Countries. Memorandum 2006-2, WODC.
8. Kyvsgaard, B. (2003). *The criminal career*. Cambridge: University Press.
9. Ruefli, T., & Rogers, S. (2004). How do drug users define their progress in harm reduction programs? Qualitative research to develop user-generated outcomes. *Harm Reduction Journal*.
10. Bieleman, B. e.a. (2002). *Opgevangen onder drang*. Groningen, Intraval.
11. Krenz, S. (2004). French version of the addiction severity index (5th edn.): validity and reliability among Swiss opiate-dependent patients. *European Addiction Research*, 173–179.
12. Swanborn, P. (1999). *Evalueren*. Amsterdam: Boom.
13. Sherman, L. (2002). *Evidence-based crime prevention*. London: Routledge.
14. Beyens, K. (2000). *Straffen als sociale praktijk*. Brussel: VUB.
15. Vander Laenen, F. (2004). De nieuwe Ministeriële Omzendbrief voor druggebruikers. Het vervolgingsbeleid laat er zich niet door leiden. *Panopticon*, 25(5), 9–30.
16. Kyvsgaard, B. (2000). Supervision of offenders: can an old-fashioned service system be of any service in the case of present-day offenders. *Journal of Scandinavian studies in Criminology and Crime Prevention*, 1, 73–86.
17. Zanis, D. e.a. (2003). The effectiveness of early parole to substance abuse treatment facilities on 24-month criminal recidivism. *Journal of Drug Issues*, 223–235.
18. Inciardi, J. (2004). Five-year outcomes of therapeutic community treatment of drug-involved offenders after release from prison. *Crime and Delinquency*, 50(1), 88–106.
19. MackKenzie, D. (2002). The impact of formal and informal social controls on the criminal activities of probationers. *Journal of Research in Crime and Delinquency*, 243–276.
20. King, R., & Wincup, E. (2008). *Doing research on crime and justice*. Oxford: Oxford University Press.
21. Wild, T., Roberts, A., & Cooper, E. (2002). Compulsory substance abuse treatment: An overview of recent findings and issues. *European Addiction Research*, 84–93.
22. Spohn, C. e.a. (2001). Drug courts and recidivism: the results of an evaluation using two comparison groups and multiple indicators of recidivism. *Journal of Drug Issues*, 31, 149–176.
23. Hepburn, J., & Griffin, M. (2004). The effect of social bonds on successful adjustment to probation: an event history analysis. *Criminal Justice Review*, 46–75.
24. De Li, S., & Layton MacKenzie, D. (2003). The gendered effects of adult social bonds on the criminal activities of probationers. *Criminal Justice Review*, 28(2), 278–298.